

Sparks

UNITED STATES DISTRICT COURT **FILED**

for the

Western District of Texas

United States of America

v.

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)

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)

Case No.

Sain Jimenez Mena

)

Defendants

2012 MAR 22 AM 11:33

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY 87
DEPUTY

A 12-m-207

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 13, 2012 in the County of Hays, in the Western District of Texas, the defendant violated Title 18 U.S.C. 1546, an offense described as follows:

Possess alien registration receipt cards.

This criminal complaint is based on these facts:

See attached affidavit.

X Continued on the attached sheet.

Complainant's signature

Tim McElligott, Special Agent

Printed name and title

Judge's signature

DENNIS GREEN U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: March 22, 2012

City and state: Austin, TX

Maximum Penalties:
10 years
imprisonment;
\$250,000 fine or both
such fine and term of
imprisonment;

AFFIDAVIT

I, Timothy McElligott, being duly sworn, do hereby depose and state:

I am a Special Agent with Homeland Security Investigations (HSI), assigned to the Resident Agent in Charge in Austin, TX. I have been employed as a Special Agent for approximately 14 years. I routinely investigate fraud related to U.S. immigration documents, identity theft, and other crimes. I have eight years of experience investigating crimes involving the sale and manufacture of counterfeit documents. This affidavit is based upon my own investigation, as well as information supplied to me by other federal and state law enforcement personnel. In conjunction with my official duties, I am currently conducting an investigation into the manufacturing, trafficking, and sale of counterfeit identification documents. This offense occurred within the Western District of Texas and in violation of federal law.

2. The facts known to me establishing probable cause to believe that Sain Mena, DOB: August 8, 1971, Texas driver license #03541636, did transfer and possess counterfeit resident alien cards, also known as alien registration receipt cards, knowing such documents were produced without lawful authority, based upon the following facts:

3. U.S. Homeland Security Investigations (HSI) in conjunction with the Texas Department of Public Safety (DPS) and the Social Security Administration Office of Inspector General (SSA-OIG) have initiated a joint investigation of a document vendor who is manufacturing and selling counterfeit documents in Wimberley, TX. Various law enforcement personnel have been investigating this document vendor for more than three years and have been successful in identifying the document vendor's modus operandi through surveillance, the actions of undercover agents (UC), and leads obtained through other sources.

4. Sain Mena is involved in the production and sale of counterfeit identification documents including, but may not be limited to, U.S. resident alien cards and U.S. Social Security cards, and appears to have been in operation since at least November 2008. In November 2008, a cooperating individual provided information to HSI that an unidentified document vendor, later identified to be Sain Mena, sold counterfeit immigration documents in the Austin, Texas area. The cooperating individual provided a phone number of 512-XXX-0269 for this document vendor. Cooperating Individuals and Undercover agents (UC) were used to call this number on various occasions beginning in November 2008, at which time a person who answered the phone agreed to sell a resident alien card and a U.S. Social Security card for \$150.

5. Based upon these phone conversations, Sain Mena has met and sold counterfeit documents to undercover agents on November 25, 2008, March 8, 2012, and March 13, 2012. A detailed account of the purchase of counterfeit documents from Sain Mena on March 8, 2012, which is similar to the purchases of documents on November 25, 2008 and March 13, 2012, follows.

5. On March 13, 2012, at approximately 09:30 hours, an undercover (UC) DPS Officer contacted the counterfeit document vendor by dialing telephone number (512) XXX-0269. The suspect acknowledged his name as "Sain" and acknowledged he sells counterfeit documents consisting of a "green card" and social security card for \$150.00. "Sain" instructed the UC to call him back when the UC was on his way towards San Marcos to give the UC more directions.

23. On March 13, 2012, at approximately 12:00 hours, a UC DPS Officer contacted the counterfeit document vendor by dialing telephone number (512) XXX-0269. "Sain" gave the UC directions to the known residence of Sain Mena at 108 South Valley View Drive in Wimberley, TX.

24. On March 13, 2012, at approximately 14:05 hours, the UC, wearing a hidden audio recorder, arrived at 108 South Valley View Drive in Wimberley, TX. The UC was met by Mena who directed the UC to a small building referred to as the business where a photography studio was located. The UC recognized Mena from the Texas driver's license photo of Sain Mena. Mena also introduced himself as "Sain". Mena took the UC into the business and took a photo of the UC and took the UC's right index fingerprint that he used to make the counterfeit "green card" also known as a resident alien card. Mena made the documents on a computer in the presence of the UC at the business. The process took approximately 25 minutes. During the production of the counterfeit documents by Mena, the UC made small talk with Mena at which time Mena stated he has lived at the residence in Wimberley for the last 2 or 3 years. Mena also stated he was from Vera Cruz, Mexico. The UC received a counterfeit resident alien card and a counterfeit social security card for \$150.00. The UC received the documents then left the location at approximately 14:30 hours.

25. The counterfeit resident alien card, also known as an I-551 resident alien registration receipt card, purchased by the UC, contained the UC's photo with the registration number 095-XXX-152. A check on the U.S. Citizenship and Immigration Service's database revealed that number 095-XXX-152 was not registered to the name on the resident alien card and is assigned to someone else. Based upon my training and experience, the resident alien card did not contain security features on a genuine resident alien card also known as an I-551 resident alien registration receipt card. The card was determined to be a counterfeit.

15. Based upon the information set forth in the foregoing affidavit, I have probable cause to believe that said defendant violated the laws of the United States consisting of:

Title 18 United States Code, Section 1546, possession of alien receipt card.

I swear the information contained in this affidavit is true and correct to the best of my knowledge and belief.



Timothy McElligott

HSI Special Agent

Sworn and subscribed to me this 22nd day of March 2012.



DENNIS GREEN

United States Magistrate Judge
Western District of Texas